

Amendments To The Drawings:

None

Remarks

This Amendment is in response to the Final Office Action dated **November 11, 2007**. As noted above, a one month extension of time has already been obtained since an Interview was being sought, which interview was declined with a request for any comments or amendment in writing.

Claims 1, 4-5 and 7-8 §102(b) Inoue et al.

Claims 1, 4-5 and 7-8 were rejected as being anticipated by Inoue et al, US 2001/0003672 (Inoue '672). The rejection states that Inoue '672 teaches a colloidal silica with a primary particle size that is "approximately 30 nm" while noting that it states 35 nm. Paragraph 64 of Inoue '672 states "Firstly, as an abrasive, colloidal silica (primary particle size: 35 nm..." It is noted that table I in Inoue '672 shows the results of polishing compositions with this silica, with failures being in Comparative Examples 1-4 that have the 35 nm particle size.

The present application teaches at page 15 with reference to Table I, that Example A5 with colloidal silica with a primary particle size of 35 nm had significant haze, see Comparative Example 1. Thus, Inoue's own testing shows that colloidal silica of a larger size of 35 nm may not meet its requirements which were to dopant striation (it did not measure haze). The applicants' testing in their application show that hazing is a problem at 35 nm.

Thus, there is no anticipation by Inoue '672 since it clearly teaches 35 nm which is larger than the range allowed in the instant claims, and because it is clear that the 35 nm size causes haze and may not even meet the requirements of Inoue '672 regarding dopant striation.

Claims 1-5, 7-9, 18-23 and 28 §103(a) Inoue et al.

Claims 1, 4-5 and 7-8 were rejected as being obvious over Inoue et al, US 2001/0003672 (Inoue '672). Again, the very reference cited shows that failures can occur with 35 nm particles. Inoue '672 did not seek to deal with haze and instead was concentrated on reducing dopant striation. Its striation problem was not necessarily solved even with the 35 nm sizes and instead focused on specific additives and amounts of additives that must be present to succeed.

Inoue '672 does not teach or suggest any parameter that might be useful in reducing haze, let alone teach or suggest a composition with a range of particle sizes that would make the claims herein obvious. This is not simply a matter of design choice nor determining "optimal ranges." Inoue '672 shows that variations within its own 35 nm particle size cause it to fail its reduction of dopant striation. Nothing is taught or suggested on reducing haze so there is nothing to suggest what parameters should be used to have acceptable haze control. The claims at issue are all patentably distinct from what has been taught or fairly suggested by Inoue '672 and any caselaw on when an invention is obvious. The rejection is respectfully traversed.

Conclusion

It is respectfully submitted that all of the claims are patentable over the cited reference. An early notice to that effect is requested.

Respectfully submitted,

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